



**AMENDMENT TO H.R. 4939, AS ~~REPORTED~~**  
**OFFERED BY:MR. NADLER OF ~~NEW YORK~~**

AMENDMENT NO. **10** At the end of the bill (before the short title), insert  
the following:

1 SEC. \_\_\_\_ . REQUIREMENTS RELATING TO ENTRY OF OCEAN  
2 SHIPPING CONTAINERS INTO THE UNITED  
3 STATES.

4 (a) REQUIREMENTS.—Section 70116 of title 46,  
5 United States Code, is amended by adding at the end the  
6 following new subsection:

7 “(c) REQUIREMENTS RELATING TO ENTRY OF  
8 OCEAN SHIPPING CONTAINERS.—

9 “(1) IN GENERAL.—An ocean shipping con-  
10 tainer may enter the United States, either directly  
11 or via a foreign port, only if—

12 “(A) the container is scanned with equip-  
13 ment that meets the standards established pur-  
14 suant to paragraph (2)(A) and a copy of the  
15 scan is provided to the Secretary, and

16 “(B) the container is secured with a seal  
17 that meets the standards established pursuant  
18 to paragraph (2)(B),



1 before the container is loaded on the vessel for ship-  
2 ment to the United States.

3 “(2) STANDARDS FOR SCANNING EQUIPMENT  
4 AND SEALS.—

5 “(A) SCANNING EQUIPMENT.—The Sec-  
6 retary shall establish standards for scanning  
7 equipment required to be used under paragraph  
8 (1)(A) to ensure that such equipment uses the  
9 best-available technology, including technology  
10 to scan a container for radiation and density  
11 and, if appropriate, for atomic elements.

12 “(B) SEALS.—The Secretary shall estab-  
13 lish standards for seals required to be used  
14 under paragraph (1)(B) to ensure that such  
15 seals use the best-available technology, includ-  
16 ing technology to—

17 “(i) detect any breach into a con-  
18 tainer;

19 “(ii) identify the time and place of  
20 such breach;

21 “(iii) notify the Secretary of such  
22 breach before the container enters the Ex-  
23 clusive Economic Zone of the United  
24 States; and



1 “(iv) track the time and location of  
2 the container during transit to the United  
3 States, including by truck, rail, or vessel.

4 “(C) REVIEW AND REVISION.—The Sec-  
5 retary shall review and, if necessary, revise the  
6 standards established pursuant to subpara-  
7 graphs (A) and (B) not less than once every  
8 two years.

9 “(D) DEFINITION.—In subparagraph (B),  
10 the term ‘Exclusive Economic Zone of the  
11 United States’ has the meaning given the term  
12 ‘Exclusive Economic Zone’ in section 2101(10a)  
13 of this title.”.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated to carry out section  
16 70116(c) of title 46, United States Code, as added by sub-  
17 section (a) of this section, such sums as may be necessary  
18 for fiscal year 2007 and each subsequent fiscal year.

19 (c) REGULATIONS; EFFECTIVE DATE.—

20 (1) REGULATIONS.—

21 (A) INTERIM FINAL RULE.—The Secretary  
22 of Homeland Security shall issue an interim  
23 final rule as a temporary regulation to imple-  
24 ment section 70116(c) of title 46, United States  
25 Code, as added by subsection (a) of this section,



1 not later than 90 days after the date of the en-  
2 actment of this section, without regard to the  
3 provisions of chapter 5 of title 5, United States  
4 Code.

5 (B) FINAL RULE.—The Secretary shall  
6 issue a final rule as a permanent regulation to  
7 implement section 70116(c) of title 46, United  
8 States Code, as added by subsection (a) of this  
9 section, not later than one year after the date  
10 of the enactment of this section, in accordance  
11 with the provisions of chapter 5 of title 5,  
12 United States Code. The final rule issued pur-  
13 suant to that rulemaking may supersede the in-  
14 terim final rule issued pursuant to subpara-  
15 graph (A).

16 (2) EFFECTIVE DATE.—The requirements of  
17 section 70116(c) of title 46, United States Code, as  
18 added by subsection (a) of this section, apply with  
19 respect to any ocean shipping container entering the  
20 United States, either directly or via a foreign port,  
21 beginning one year after the date of the enactment  
22 of this Act.

